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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,151	04/09/2001	Alan Young	063170.6800	8242
5073 7590 06/22/2010 BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980				
EXAMINER NGUYEN, TAN D				
ART UNIT		PAPER NUMBER		
3689				
NOTIFICATION DATE		DELIVERY MODE		
06/22/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

09/829,151

**Applicant(s)**

YOUNG, ALAN

**Examiner**

Tan Dean D. Nguyen

**Art Unit**

3689

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 9, 10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 10 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/02)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/29/10 has been entered.

### ***Claim Status***

2. Claims 1-7, 9-10 and 12 are pending. The claim comprise 3 independent groups:

1) Method: 1-7, 12,

2) System: 9, and

3) Apparatus: 10.

Claims canceled: 8, 11, and 13.

As of 3/29/10, independent method claim 1 is as followed:

1. (Currently Amended) A method for reporting a value of a key performance indicator comprising:

a) receiving information identifying a selected key performance indicator to monitor;

b) identifying at least one business event associated with the selected key performance indicator;

c) receiving a business event message indicating an occurrence of the business event, the business event message including business data describing the business event;

d) in response to receiving the business event message, electronically determining, using a processor, the value of the key performance indicator based on the business data; and

e) displaying the determined value of the key performance indicator via a contextual interface; and

wherein the business event message further includes a successor event and an expected time period indicating when the successor event is expected to occur and further comprising:

f) determining that the expected time period has been reached;

g) determining whether the successor event has occurred; and

h) based at least in part on determining that the expected time period has been reached and that the successor event has not occurred, displaying a message for the successor event.

Note: for convenience, letters (a)-(b) are added to the beginning of each element.

***Claim Rejections - 35 USC § 112***

3. Claims 1-7, 9, 10 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1) In amended independent claims 1, 9 and 10, it's not clear the relationship between business event message for determining and displaying the value of the key performance indicator (KPI) and "a successor event"? What the "successor event" has to do with the scope of the claim which is "reporting a value of a KPI" or to do with the "KPI" or "event" in the "event message"? Is the "successor event" is "replacing" or "following" the first event in the "event message"? The specification on pages 13-14 have been reviewed but it's not clear how this clarifies the above issue.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**7. Claims 9 (system), 10 (apparatus), and 1-7 (method) are rejected under 35 U.S.C. 103(a) as being unpatentable over (1) JOHNSON ET AL in view of (2a) ORACLE Article of 9/20/1999, hereinafter as "ORACLE" or (2b) PEOPLESOFT Article of July 12, 1999, hereinafter as "PEOPLESOFT" or vice versa, and further in view of (3) ZAGER ET AL. and (4) SWEENEY ET AL.**

**As for independent claim 9, 10 and 1, JOHNSON ET AL** fairly display a system/apparatus and method for reporting information such as proposal, quote, forecast, comprising:

a) a processor configured to execute a workflow manager operable to (capable of):

{see Fig. 2, col. 10, lines 6-19 "...executing on general purpose computers...processors or computing platforms... processor..."}

(ii) identify a business event affecting the value of the business process;

(iii) receive a business event information (message) indicating an occurrence of the business event, the business event message including business data describing the business event;

{see Figs. 1, 3, 4, 5, 6, 10B, 11, especially Fig. 19 "**EVENT MANAGING UNIT**", "**MONITORING UNIT**", and Fig. 22, cols. 27-28, col. 32, lines 25-67, col. 33, lines 20-65, col. 34, lines 1-60, and col. 35, lines 1-24}

(iv) in response to receiving the business event message, determine several business process (proposal, quote term, sale, forecast, trend, etc.) or calculate a quote price or proposal based on profitability requirements, to implement/carry out improve business performance based on the business data; and

{see Figs. 4, element 408 "Quote", 410 "Finance", and "412 "Proposal", col. 14, lines 5-67, cols. 27-28, col. 32, lines 45-67, col. 33, lines 18-60, especially col. 34, lines 1-55}

(v) output the result of the determined business process proposed or implemented; and

(b) a contextual visualization in connection with the workflow manager operable to (capable of) display the data (result or value) of the proposed/implemented business process/task.

{see Figs. 11, "Communication equipment", Fig. 13 "Screens & Interface", col. 10, lines 5-50, col. 26, lines 35-50}. Alternatively, the screen or interface or terminal as shown above is capable of this feature.

JOHNSON et al fairly teaches the claimed invention except for element/function (i) receiving a selection of business performance parameter to monitor, i.e. key performance indicator (KPI), carrying out functions/step (b) using the (KPI) parameter and the new "wherein clause" to include the "successor event" limitation.

ORACLE is cited to teach a business monitoring and management application and integrated information source including the use of tracking a business performance parameter such as key performance indicators (KPI) and forecasting business opportunity to improve competitive advantage and enhance business operation with multidimensional analysis by empowering the business managers and executives to easily analyze e-business sales information and **marketing data** via a standard web browser {see page 1}. The software provides global access to real time business monitoring information such as sales, forecasting, marketing trends and internet click-stream data to enhance a company's customer intelligence {see page 1}. The steps of (i)-(v) are merely steps involved in monitoring and reporting a business performance and these are inherently including in the accessing the information, monitoring and analyzing and marketing of data including the tracking of the key performance indicators (KPIs) via a standard Web browser as cited in ORACLE above. It would have been obvious to modify the teachings of JOHNSON et al by using other business monitoring parameter, i.e. key performance indicator (KPI), for monitoring a business process with respect to a business event instead of forecasting or trend or analyzing market value as taught by ORACLE as mere using other similar financing parameters to monitor the desired business process to achieve similar business event monitoring result.

Alternatively, the teachings of ORACLE is cited above. ORACLE discloses the step of receiving business information and analyzing e-business sales and marketing data via a standard web browser {see page 1}. ORACLE fails to explicitly disclose the



step of receiving information indicating an occurrence of a business event, identifying a business event, and determine a business monitoring parameter, such as KPI, based on the received information. This missing feature is taught by JOHNSON et al as cited above. It would have been obvious to modify the teachings of ORACLE by receiving information indicating an occurrence of a business event, identifying a business event, and determine a business monitoring parameter as taught by JOHNSON et al as for an improved system for automatically facilitating a sale opportunity or a new event in the sales process using event manager as shown on Figs. 4, 7, 8 19 or 22, col. 2, lines 20-50.

Similarly, **PEOPLESOFT** is cited to teach a business monitoring and management application and integrated cause-and-effect perspective on key management processes by providing the capabilities necessary to design and monitor critical success factors and calculate KPI to help managers develop and execute organizational strategy {see page 1}. The PeopleSoft Balanced scorecard leverages data and metrics from internal and external data sources and provides a focal point for EPM's four business solutions: Strategic & Financial management, Workforce Analytics and Industry Process management, and Customer Relationship management {see page 1}. Therefore, it would have been obvious to modify the teachings of JOHNSON et al by using other financing parameter such as a key performance indicator instead of forecasting or analyzing market value as taught by PEOPLESOFT as mere using other similar financing parameters to achieve similar business event monitoring result.

Alternatively, the teachings of PEOPLESOFT is cited above. PEOPLESOFT discloses the step of receiving business data and metrics from internal and external data sources and analyzing the data to provide business solution {see page 1}. PEOPLESOFT fails to explicitly disclose the step of receiving information indicating an occurrence of a business event, identifying a business event, and determine a business monitoring parameter, such as KPI, based on the received information. This missing feature is taught by JOHNSON et al as cited above. It would have been obvious to modify the teachings of PEOPLESOFT by receiving information indicating an occurrence of a business event, identifying a business event, and determine a business monitoring parameter as taught by JOHNSON et al as for an improved system for automatically facilitating a sale opportunity or a new event in the sales process using event manager as shown on Figs. 4, 7, 8 19 or 22, col. 2, lines 20-50.

The teachings of JOHNSON ET AL./ ORACLE or PEOPLESOFT fail to teach the new amended limitations of "wherein" clause with the "successor event".

In a dynamic modeling of business process management and prediction of impacts of events (faulty events), **ZAGER ET AL.** is cited to teach several relevant concepts/elements:

(c ) receiving a business event message indicating an occurrence of the event and identifying the event to be special type of event, the event message including business data describing the event {see Figs. 4, 9, col. 14, "...receives a message indicating an event that is inherently a root-cause event...", col. 15, lines 1-30"};

(f) more useful information includes a successor (incoming) events that are related to each other (related events) and what their likely impacts will be, and

(i) displaying (reporting) the related incoming events.

{see Figs. 4, 9, col. 15, lines 10-30}

Therefore, it would have been obvious to modify the teachings of JOHNSON et al /ORACLE or PEOPLESOFT to include the concepts as shown in functions ( c ) , ( f ) and (i) above as taught by ZAGER ET AL. for the purpose of obtaining more useful information includes a successor (incoming) events that are related to each other (related events) and what their likely impacts will be.

In a process management with prediction of a secondary event and prevention of the primary (conditional) event, **SWEENEY ET AL.** discloses the use of event prediction scheduler for predicting a successor event and an expected time period (prediction scheduler) indicating when the successor event is expected to occur and further comprising:

f) determining that the expected time period has been reached;

g) determining whether the successor event has occurred; and

h) based at least in part on determining that the expected time period has been reached and that the successor event has not occurred, displaying a message for the successor event.

{see Figs. 4A, 6, 7, col. 5, lines 20-67, cols. 13, lines 13-55, col. 14, lines 24-67, and col. 15, lines 1-20, and especially col. 24, line 24 to col. 25, line 6}

Therefore, it would have been obvious to modify the teachings of JOHNSON et al /ORACLE or PEOPLESOFT /ZAGER ET AL. to include the concepts as shown above as taught by ZAGER ET AL. for the purpose of providing more informed decision under various event feature as shown on col. 6, lines 1-15.

As for dep. claims 2-6 (part of 1 above), which deal with the type of business event message or features of the messages with respect to events or data or information, these are non-essential to the scope of the claimed invention and are fairly taught in JOHNSON ET AL Figs. 4-7. Moreover, the limitations are considered as non-functional descriptive material (NFD) on the data of "...", thus having no patentable weight. The mere insertion of "reference event" or "change event" or "competition event" data over "data" does not "impart functionality when employed as a computer component", thus having no patentable weight.

See MPEP 2106.01 "Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works, and a compilation or mere arrangement of data.

Also, the features of reference, change, threshold events, task failures, etc. are taught in ZAGER ET AL. cols. 3-4, Figs. 4, 7, col. 6, lines 1-15.

Also, the features of reference, change and threshold events, etc., are taught in SWEENEY ET AL. cols. 24-25.

As for dep. claim 7 (part of 1 above), which deal with the type of PKI, i.e. prediction (trend or forecast), this is fairly taught in PEOPLESOFT or ORACLE, as described above.

**8. Dependent claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over JOHNSON et al /PEOPLESOFT or ORACLE / ZAGER ET AL. /SWEENEY ET AL. as applied to claims 1-7 above, and further in view of CLINE et al.**

The teachings of JOHNSON et al /PEOPLESOFT or ORACLE /ZAGER ET AL. / SWEENEY ET AL. as applied to claims 1-7 are cited above.

As for dep. claim 12 (part of 1 above), which deal with requesting additional information about the business event if desired, in another system/method for monitoring process (flight) plan, CLINE et al discloses the general concept of determining whether to request additional information about other event related to the process (flight) plan, requesting the additional information from an information provider; and wherein electronically generate a different process/flight plan or the update of an existing plan based on the requested or updated information/value in order to allow the flight crew (manager) to effectively and continuously monitor the process (aircraft) progress, and, if necessary or desirable, update or change the process performance

(flight plan) {see cols. 2-3, 13, 15, lines 1-30, col. 17, line 60 to col.8, line 20, cols. 29-30, and 30-34}. It would have been obvious to modify the teachings of JOHNSON et al /ORACLE or PEOPLESOFT /ZAGER ET AL. /SWEENEY ET AL. to include the steps of determining whether to request additional information about other event related to the process (flight) plan, requesting the additional information from an information provider; and wherein electronically generate a different process/flight plan or the update of an existing plan based on the requested or updated information/value as taught CLINE et al to allow the flight crew (manager) to effectively and continuously monitor the process (aircraft) progress, and, if necessary or desirable, update or change the process performance (flight plan), as indicated above.

**9. Claims 9, 1-7 and 12 are rejected (2<sup>nd</sup> time) under 35 U.S.C. 103(a) as being unpatentable over JOHNSON ET AL in view of (2) ORACLE Article of 9/20/1999, hereinafter as “ORACLE”, (3) ZAGER ET AL. , (4) SWEENEY ET AL. and (5) BATTAT et al.**

As for claims 9 and 1, In a network management system, BATTAT et al is cited to teach a method for monitoring an object by reporting /displaying information with respect to change of information, message and events related to the object, comprising the steps receiving business event message information indicating an occurrence of the business event and how these events messages affect the monitoring object and wherein the result of change of the events are displayed via a contextual visualization (real world) interface to obtain the benefits of allowing the user to be intuitive as if physically present in a real world environment or high degree of user defined

customization or business process overview as indicated as shown on col. 4, line 47 to col. 5, line 51. See also Fig. 3, steps (301), (302), (303), (304), (305), (306), (307), (308), (309), (310), and (311), Fig. 1, Fig. 10j, col. 8, lines 5-67, col. 15, lines 22-40).

It would have been obvious to modify the displaying interface in the monitoring a business performance of JOHNSON ET AL /ORACLE /ZAGER ET AL. /SWEENEY ET AL. by using a contextual visualization interface as taught by BATTAT et al to obtain the benefits of allowing the user to be intuitive as if physically present in a real world environment or high degree of user defined customization or business process overview as indicated as shown on col. 4, line 47 to col. 5, line 51. See also Fig. 3, steps (301), (302), (303), (304), (305), (306), (307), (308), (309), (310), and (311), Fig. 1, Fig. 10j, col. 8, lines 5-67, col. 15, lines 22-40). Note that BATTAT et al also teaches step (c) of receiving business information including business event message and how this event message affects the status or the result of the monitoring object.

As for dep. claims 2-6 (part of 1 above), which deal with the type of business event message or features of the messages with respect to events or data or information, they are fairly taught in Fig. 3A and 3 element (304) of BATTAT et al.

As for dep. claim 7 (part of 1 above), which deal with the type of PKI, i.e. prediction (trend or forecast), this is fairly taught in COGNOS or PEOPLESOFT or ORACLE, as described above.

**10. Dependent claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over JOHNSON et al /ORACLE/ ZAGER ET AL. /SWEENEY ET AL. and BATTA as applied to claims 1-7 above, and further in view of CLINE et al.**

The teachings of JOHNSON et al /ORACLE/ZAGER ET AL. /SWEENEY ET AL. and BATTA as applied to claims 1-7 are cited above.

As for dep. claim 12 (part of 1 above), which deal with requesting additional information about the business event if desired, in another system/method for monitoring process (flight) plan, CLINE et al discloses the general concept of determining whether to request additional information about other event related to the process (flight) plan, requesting the additional information from an information provider; and wherein electronically generate a different process/flight plan or the update of an existing plan based on the requested or updated information/value in order to allow the flight crew (manager) to effectively and continuously monitor the process (aircraft) progress, and, if necessary or desirable, update or change the process performance (flight plan) {see cols. 2-3, 13, 15, lines 1-30, col. 17, line 60 to col.8, line 20, cols. 29-30, and 30-34}. It would have been obvious to modify the teachings of JOHNSON et al /ORACLE/ZAGER ET AL. /SWEENEY ET AL. /BATTA to include the steps of determining whether to request additional information about other event related to the process (flight) plan, requesting the additional information from an information provider; and wherein electronically generate a different process/flight plan or the update of an existing plan based on the requested or updated information/value as taught CLINE et al to allow the flight crew (manager) to effectively and continuously monitor the process



(aircraft) progress, and, if necessary or desirable, update or change the process performance (flight plan), as indicated above.

***Response to Arguments***

11. Applicant's arguments with respect to claims 1-7, 9-10 and 12 have been considered but are moot in view of the new ground(s) of rejection which are caused by applicant's amendments of the independent claims.

No claims are allowed.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

1. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).
2. Any response to this action should be mailed to:

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3. In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail [CustomerService3600@uspto.gov](mailto:CustomerService3600@uspto.gov).

4. Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number **(571) 272-6806**. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday. Should I be unavailable during my normal working hours, my supervisor Janice Mooneyham can be reached at **(571) 272-6805**. The main FAX phone numbers for formal communications concerning this application are **(571) 273-8300**. My personal Fax is **(571) 273-6806**. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

/Tan Dean D. Nguyen/  
Primary Examiner, Art Unit 3689